

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

PROSYNTHESIS LABORATORIES, INC.
D/B/A UNJURY PROTEIN,

Plaintiff,

Court File No.: 3:22-cv-655

v.

EUROFINS MICROBIOLOGY LABORATORIES, INC.,
Defendant.

**DEFENDANT EUROFINS MICROBIOLOGY LABORATORIES, INC.'S
MOTION TO DISMISS**

Defendant Eurofins Microbiology Laboratories, Inc., by and through the undersigned counsel, moves this Honorable Court for an order dismissing Plaintiff Prosynthesis Laboratories, Inc. d/b/a Unjury Protein's Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for the reasons set forth in the contemporaneously filed brief.

Respectfully submitted this the 6th day of December, 2022.

/s/ Patrick L. Breen

Patrick L. Breen (1102833)
CLAUSEN MILLER PC
4650 West Spencer Street
Appleton, Wisconsin 54914
(920) 560-4658
pbreen@clausen.com

M. Todd Lowther (*Pro Hac motion forthcoming*)
BARZE TAYLOR NOLES LOWTHER LLC
Lakeshore Park Plaza
2204 Lakeshore Drive, Suite 425
Birmingham, Alabama 35209
(205) 872-1032
tlowther@btnllaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day of December, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to the following persons:

James R. Koby
KOBY LAW, LLC
201 Main Street, Suite 620
La Crosse, Wisconsin 54601
(608) 782-1800
jkoby@kobylawllc.com

Patrick Yarborough
Marshal J. Hoda
FOSTER YARBOROUGH PLLC
917 Franklin Street, Suite 220
Houston, Texas 77002
(713) 331-5254
patrick@fosteryarborough.com
masrshal@fosteryarborough.com

/s/ Patrick L. Breen
Of Counsel